

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

HER, et al.,

Defendants.

No. 2: 22-cv-1849 KJM KJN P

ORDER

Plaintiff is a civil detainee, proceeding without counsel, with this civil rights action. For the reasons stated herein, the findings and recommendations filed April 28, 2023 recommending that this action be dismissed are vacated.

On February 16, 2023, the undersigned ordered plaintiff to file further briefing in support of his application to proceed in forma pauperis within twenty-one days. (ECF No. 13.) On March 20, 2023, the February 16, 2023 order was returned unserved. On March 23, 2023, the Clerk of the Court reserved the February 16, 2023 order. The reserved order was not returned unserved. Twenty-one days passed from March 23, 2023, and plaintiff did not file the further briefing as ordered. Accordingly, on April 28, 2023, the undersigned recommended that this action be dismissed. (ECF No. 15.)


On May 11, 2023, plaintiff filed objections to the April 28, 2023 findings and recommendations. (ECF No. 16.) Although plaintiff did not address his failure to respond to the

February 16, 2023 order in his objections, the undersigned finds good cause to vacate the April 28, 2023 findings and recommendations. Plaintiff is granted twenty-one days from the date of this order to file the further briefing in support of his application to proceed in forma pauperis discussed in the February 16, 2023 order.

Accordingly, IT IS HEREBY ORDERED that:

1. The April 28, 2023 findings and recommendations (ECF No. 15) are vacated;
2. Plaintiff is granted twenty-one days from the date of this order to file the further briefing in support of his application to proceed in forma pauperis discussed in the February 16, 2023 order; failure to file this further briefing will result in a recommendation that this action be dismissed.

Dated: May 17, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

Hill1849.vac